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Supreme Court, U.S.
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CLERK

IN THE SUPREME COURT
OF THE UNITED STATES
OCTOBER TERM, 1995

CHARLIE SHEPHARD-PETITIONER

VS.

POMONA FAIRPLEX, LOS ANGELES COUNTY FAIRGROUNDS, LOS ANGELES COUNTY SHEFIFF'S DEPARTMENT, MONROVIA POLICE DEPARTMENT, OFFICER SANDRA GATTS, OFFICER ALBERT COVOS
RESPONDENTS

SUPPLEMENTAL TO PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE OF CALIFORNIA PETITION FOR WRIT OF CERTIORARI

CHARLIE SHEPHARD
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25 pp

EDITOR'S NOTE

THE FOLLOWING PAGES WERE POOR HARD COPY AT THE TIME OF FILMING. IF AND WHEN A BETTER COPY CAN BE OBTAINED, A NEW FICHE WILL BE ISSUED.

QUESTIONS PRESENTED FOR REVIEW

1. Why was I denied a trial in the Superior Court of the State of California on January 28, 1998?
2. Why wasn't my First Amended Complaint answered by the defendant?
3. Why wasn't I awarded damages for my first cause of action 'Premises Liability' in my original complaint?
4. Why wasn't I awarded damages for my second cause of action, 'General Negligence' in my original complaint?
5. Why wasn't I awarded damages for my third cause of action, 'Intentional Tort' in my original complaint?
6. Why wasn't I awarded exemplary damages for Malice and Oppression in my original complaint?
7. Why wasn't I awarded attorney fees in my original complaint under 42 U.S.C. §1981, 42 U.S.C. §1983, and 42 U.S.C. §1985 for violation of my civil rights?

8 Why wasn't I awarded attorney fees in my original complaint under 42 U.S.C. §1988?

9 Why was attorney fees awarded to opposing counsel and they have no merits?

LIST OF ALL PARTIES

The undersigned Plaintiff, Charlie Shephard, a competent adult, a citizen of the United States and a residence of San Bernardino County in California certifies that the following listed parties have an interest in the outcome of this case

Charlie Shephard	Petitioner
Pomona Fairplex	Respondent
Los Angeles County Fairgrounds	Respondent
Los Angeles County Sheriffs Depart	Respondent
Monrovia Police Department	Respondent
Sandra Gatts	Respondent
Albert Cobos	Respondent

Charlie Shephard, Petitioner

TABLE OF CONTENTS

QUESTIONS PRESENTED FOR REVIEW i

LIST OF ALL PARTIES iii

TABLE OF CONTENTS iv

LIST OF AUTHORITIES v

LIST OF OPINIONS vii

STATEMENT OF JURISDICTION viii

APPLICABLE STATUTES ix

STATEMENT OF THE CASE 1

PLAINTIFF'S DECLARATION 4

CLAIMS FOR RELIEF 6

REQUEST FOR DEFAULT x

STATEMENT OF THE CASE 9

PRAYER 10

TABLE OF AUTHORITIES

CASES

Eldridge v. Bouchard, 620 F. Supp. 678 (D.C. Va. 1985)

Heritage Homes, Etc. v. Seenk Water District, 670 F.2d 1 (1982)

Chalmers v. City of Los Angeles, 796 F.2d 1205 (9th Cir 1986)

West Virginia Univ. Hospital, Inc. v. Casey, 499 U.S. 83

City of Oklahoma v. Tuttle, 471 U.S. 808 (1985)

Williams v. Horvath, 129 Cal. Rptr. 453 (1976)

Cervantez v. J.C. Penney Company, 24 Cal. 3d 579 (1979)

Baker v. McCollan, 443 U.S. 137 (1979)

Hayes v. Jefferson County, KY, 668 F. 2d 869 (1982)

STATUTES

California Government Code § 815.2(a)

42 U.S.C. §1981

42 U.S.C. § 1983

42 U.S. C. § 1985

42 U.S.C. § 1988

PUBLICATIONS

California Attorney Fee Awards

California Tort Damages

Clark Boardman Callaghan

Matthew Bender & Company

Rules of Civil Procedure

LIST OF OPINIONS

1. On May 21, 1997, Judge Mortimer stated to the Petitioner admittedly that there was error made by the court and the Petitioner would have to take it to a higher court to get a ruling in his behalf.
2. The Superior Court of the State of California ordered that the petitioner was a vexatious litigant under § 391(b)(2) and (3), which is not true.
3. The Superior Court of the State of California stated that the Petitioner could not use Federal cases in their court but under Civil Rights § 8, "Federal Cause of Action - State Jurisdiction. "California courts exercise concurrent jurisdiction with federal courts over civil rights actions under 42 U.S.C. § 1983".
4. The opinion of the State Supreme Court of Appeal clerk was that the Petitioner was wasting his money by filing a lawsuit against the Defendants was an unfair.
5. This case has shown that there are several causes of action to file a lawsuit against the Defendants.

STATEMENT OF JURISDICTION

This case seeks the review of the decision of the Superior Court of the State of California, East Division, Pomona, California entered on January 28, 1998. The Petitioner filed a timely Summons and Complaint, which was denied a trial. The underlying lawsuit was originally instituted in the Superior Court of the State of California under the Federal Civil Rights Act 42 U.S.C. §§ 1981, 1983, 1985, and 1988. This being a case instituted under the Federal Civil Rights Act, seeking damages and attorney fees for violating my civil rights, it is one which the U.S. Supreme Court has jurisdiction.

APPLICABLE STATUTES

1. Federal Civil Rights Acts 42 U.S.C. §§ 1981, 1983, 1985, and 1988.
2. California Government Code § 815.2(a)
3. Civil Code of Procedure § 585

STATEMENT OF THE CASE

This case seeks the review of a decision of the Superior Court of the State of California, East Division reversing and vacating a Judgment and enforcing a trial.

On October 11, 1995, I, Charlie Shephard, entered the grounds of the Pomona Fairplex and was the target of two uniformed officers, Sandra Gatts, an officer of the Monrovia Police Department; and Albert Cobos, an officer of the Los Angeles County Sheriffs Department. Officer Gatts pointed a gun in my face and Officer Cobos placed his hand on his gun which was in his holster as if to join Officer Gatts. I was stunned because there was no probable cause for this action. Both officers walked away giving no explanation as to why they had harassed me and neither officer offered any apology. In this instance my life flashed before my eyes as though I was facing death. I was later informed that this was a "practice ground for police training". I was a paying guest of the Pomona Fairplex and was not a part of the training

On October 30, 1995, the Los Angeles County Sheriffs Department Commander's service report signed by Sergeant Mike Payne stated that both Officer Gatts and Officer Cobos was in violation of improper tactics and negligence of duty during their performance as trainee's.

On April 4, 1996, I received a letter from the County of Los Angeles stating that changes would be made and trainers, trainees and related persons would be appraised of activities and that communications in training sites would now include signs and announcements to make others aware that training sessions are in progress due to my complaint on the Defendants.

On April 10, 1996, I filed a summons and complaint against the Defendants of this case and I was denied a trial by the Superior Court of the State of California. East Division.

On approximately May 2, 1996, I received a letter from the insurance company of the Los Angeles County Fair notifying me that there would be an investigation on my claim.

I received letters from Sergeant Mike Payne and Michael R. Payne of the Los Angeles County Sheriff Department appolizing for the incident.

On June 13, 1996, I filed a Request for Entry of Default on the Defendants which was due by May 20, 1996 and there was no reply.

On January 23, 1997, I filed a First Amended Complaint for Damages for Violation of my Civil Rights under 42 U.S.C. §§ 1983, 1985, and 1988

DECLARATION OF THE PLAINTIFF

I, Charlie Shephard, am the Plaintiff in Pro Per, and have personal knowledge of the facts set forth in this declaration.

On January 27, 1997, I filed a Summons and Complaint in the Superior Court of the State of California East Division and served the Defendants with copies on February 18, 1997.

On March 20, 1997, I went to the Superior Court of the State of California, East Division to find out that the Defendants had not filed a response to my Complaint.

I went to the court and filed a Request for Entry of Default against the Defendants for not filing a timely response.

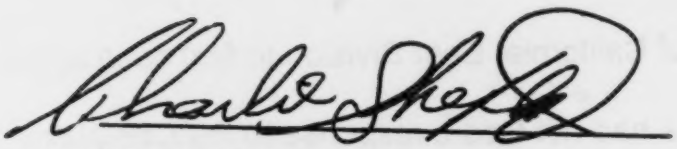
Since this incident, I have been having flashbacks while performing my everyday activities and chores. I have lost interest in activities that I had prior to this incident. I find myself often finding myself suddenly acting or feeling as if I was back in the original trauma situation.

I have waves of strong feelings about the trauma or otherwise feel as if I have just lived through the trauma once again, even without having a flashback or a vision.

I feel that a judgment should be granted against the Defendant in this action.

I, declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Respectfully submitted,



Charlie Shephard, Plaintiff

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

42 U.S.C. §1981. Defendants deliberately or recklessly denied Plaintiff equal benefit of all laws and proceedings for the security of his person and property.

SECOND CLAIM FOR RELIEF

42 U.S.C. §1983. Defendants, acting under color of state law, willfully, intentionally, knowingly, and concertedly deprived Plaintiff of rights and privileges and immunities secured by the Constitution and laws of the United States, including the Fourth and Fourteenth Amendments, be, inter alia,

(a) Needlessly and unreasonably subjecting Plaintiff to the use of excessive and deadly force and threat of great bodily injury and death,

(b) Interfering with Plaintiff's right to seek redress for his injuries by attempting to conceal and cover-up for defendant police officers' misconduct;

(c) Combining and conspiring to deprive Plaintiff of his Constitutional protected rights;

(d) Denying Plaintiff due process of law;

(e) Implementing, maintaining and tolerating policies, practices and customs that resulted in the illegal actions and proximately caused Plaintiff's injuries as hereinabove alleged.

THIRD CLAIM FOR RELIEF

42 U.S.C. § 1985. Defendants, and two or more of them, conspired for the purpose of:

(a) Depriving Plaintiff of equal protection of the law;

(b) Depriving Plaintiff of due process of law; and

(c) Hindering the constituted authorities from giving or securing equal protection and due process of law to all persons, all to Plaintiff's damages as hereinabove alleged.

FOURTH CLAIM FOR RELIEF

42 U.S.C. § 1988. To the extent the personal resources of the individual defendants herein are deficient in the amounts necessary to furnish a suitable remedy to Plaintiff, defendants Pomona Fairplex, Los Angeles County Fairgrounds, Los Angeles County Sheriff's Department, and the Monrovia Police Department are liable for such deficiency pursuant to California Government Code §815.2(a).

FIFTH CLAIM FOR RELIEF

Supplemental State Claim Under California Common Law Battery. Defendants intentionally invaded the right of Plaintiff and put him in fear of personal harm.

SIXTH CLAIM FOR RELIEF

Supplemental State Claim Under California Common Law Negligence. Defendants, Monrovia Police Department and Los Angeles County Sheriff's Department, breached a duty of care to the public at large by negligently employing, retaining, supervising and training certain police officer personnel, which negligence was the proximate cause of the injuries sustained by the Plaintiff herein.

The following cases support my case as far as my civil rights: Eldridge v. Bouchard, 620 F. Supp. 678 (D.C. Va 1985); City of Oklahoma v. Tuttle, 471 U.S. 808 (1985); Williams v. Horvath, 129 Cal. Rptr. 453 (1976); Baker v. McCollan, 443 U.S. 137 (1979); and Hays v. Jefferson County KY, 668 F.2d 869 (1982)

The following case support my case as far as damages: Heritage Homes Etc. v. Seenk Water District, 670 F.2d 1 (1982).

The following cases support my case as far as attorney fees: Chalmers v. City of Los Angeles, 796 F.2d 1205 (9th Cir. 1986); West Virginia Univ. Hospital, Inc. v. Casey, 499 U.S. 83.

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1995

CHARLIE SHEPHARD – PETITIONER

VS.

POMONA FAIRPLEX, AND
LOS ANGELES COUNTY FAIRGROUNDS

REQUEST FOR DEFAULT ON PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE OF CALIFORNIA PETITION FOR WRIT OF CERTIORARI

CHARLIE SHEPHARD
P. O. BOX 521
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IN THE
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REQUEST FOR DEFAULT

Petitioner respectfully prays that a Request for Default be issued to review the judgment where the Defendants did not timely answer the Plaintiff's Complaint.

CONSTITUTIONAL AND APPLICABLE STATUTORY PROVISIONS

Civil Code of Procedure § 585(5):

PUBLICATIONS

Matthew Bender & Company

CASES

Geddes v. United Financial Group, 559 F.2d 557 (1977)

Newport v. Facts Concerts, Inc., 453 U.S. 247

STATEMENT OF THE CASE

The Petitioner filed with the Superior Court of the State of California, East Division a Complaint where an answer was due on May 2, 1996. The Petitioner filed with the court a judgment for Entry of Default by the clerk, which the Petitioner did not receive a response from the Defendants within the time given to respond. The Plaintiff received an answer to the complaint on May 22, 1996. On proper application, the clerk must enter the Defendants into default after thirty (30) days after the summons and complaint is served to the Defendants or within the time allowed by the court. On June 12, 1996, Plaintiff filed a Request for Entry of Judgment against the Defendants, which the Plaintiff has the right to file. See Tuolumne Redemption Company v. Patterson, 198 Cal. 415 where the court holds and affirmed in this case that the judgment by default is regularly entered and the judgment is valid. Also in the Rules of Civil Procedures, Rule 55(a) states that when a party against whom a judgment for

affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter the party's default.

Further, *Civil Code of Procedure*, §585 states Proof of facts, not required. Where the complaint is verified, and the defendant fails to answer, plaintiff is entitled to judgment on the complaint, without proof of the facts

PRAYER

WHEREFORE, Plaintiff seeks judgment as follows

(a) Exemplary damages (against each of the defendants) in the amount of _____

(b) Compensatory damages (against each of the defendants in the amount of _____.

(c) Reasonable legal fees and expenses (against each of the defendants in the amount of _____ .

(d) Such other and further relief as the court deems just and proper.

Dated: March 25, 1998

Charlie Shephard, Petitioner

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1995

CHARLIE SHEPHARD – PETITIONER

VS.

SANDRA GATTS AND
THE MONROVIA POLICE DEPARTMENT

REQUEST FOR DEFAULT ON PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE OF CALIFORNIA PETITION FOR WRIT OF CERTIORARI

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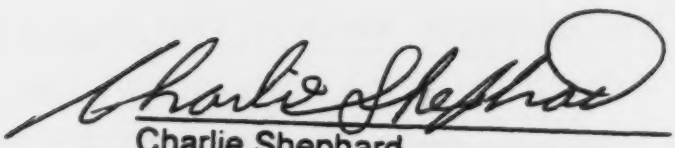
STATEMENT OF THE CASE

On January 27, 1997, Petitioner filed a summons and complaint in the Superior Court of the State of California, in the County of Los Angeles, against Defendants Sandra Gatt and the Monrovia Police Department. On February 18, 1997, a copy of the complaint and summons was served by the Los Angeles County Sheriff Department to the Defendants. March 20, 1997, was the last date for the Defendant to file in a timely manner. The Defendant failed to file a response to the complaint as ordered by the summons pursuant to the Civil Code of Procedures Rule 55 of the Federal Rules and pursuant to Code of Civil Procedure §585(a) and (b) which states Proof of facts, not required where the complaint verified, and the defendant fails to answer, plaintiff is entitled to judgment on the complaint, without proof of the facts. Petitioner waited the regulation time for the Defendant to respond but the Defendant did not respond nor request the court give an extension. On proper application, the clerk must enter the Defendant into Default after thirty (30) days after the summons and complaint is served to the Defendants or within the time allowed by the court. Petitioner by law had the right to file a Judgment for Entry of Default against the Defendant (referring to the following cases: Smith v. Billet,

15 Cal. 26; and Tuolumne Redemption Co. v. Patterson, 198 Cal. 415.

Executed March 26, 1998

Respectfully submitted



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